

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-29 are pending in the present application, Claim 19 having been amended. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claim 19 was objected to; Claim 1 was rejected under 35 U.S.C. §102(e) as anticipated by Yamaga et al. (U.S. Patent Publication No. 2004/0257970, hereinafter Yamaga); Claims 2-8 and 14-24 were rejected under 35 U.S.C. §103(a) as unpatentable over Yamaga in view of Kadowaki et al. (U.S. Patent Publication No. 2005/0199778, hereinafter Kadowaki); Claims 9 and 23 were rejected under 35 U.S.C. §103(a) as unpatentable over Yamaga in view of Kadowaki, and further in view of Watanabe et al. (U.S. Patent No. 6,628,576, hereinafter Watanabe); and Claims 10-13 and 25-29 were rejected under 35 U.S.C. §103(a) as unpatentable over Yamaga in view of Kadowaki, and further in view of Kikuchi et al. (U.S. Patent No. 2003/0161255, hereinafter Kikuchi).

With respect to the objection to Claim 19, the informality noted in Claim 19 is corrected. Thus, the objection to Claim 19 is overcome.

With respect to the rejection of Claims 1-29 based on art, all grounds of rejection are hereby traversed because Yamaga is not prior art.

The present Application is a 371 of PCT/JP03/13363, which has an international filing date of October 20, 2003. Thus, the filing date of the present application is October 20, 2003.¹

Yamada was published on Dec. 23, 2004. Since this is after the filing date of the present application, Yamada is not prior art under 35 U.S.C. §§ 102(a) or (b).

¹ See 35 U.S.C. § 363, which states "An international application designating the United States shall have the effect, from its international filing date under Article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office." See also MPEP §§ 1893.03 and 1893.03(b).

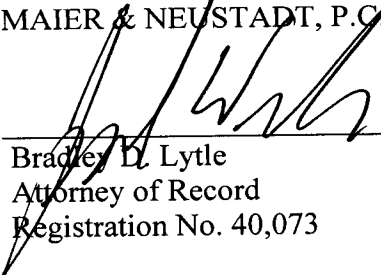
Furthermore, Yamada does not have a 102(e) date. Yamada is a national stage entry from PCT application PCT/JP02/10903, wherein the international application was published in Japanese. According to 35 U.S.C. §102(e), and as is discussed in MPEP §706.02(f)(1), Yamada has no 102(e) date because its international application was not published in English.

Thus, Yamada cannot be applied against the present application as prior art, and all the outstanding grounds of rejection must be withdrawn.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for formal allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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